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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

Stephanie M. Schroeder,

Plaintiff,

vs.

Bank of America, LLC. A/K/A FIA Card
Services, N.A.;

Defendant.

Case No.: 9:12-CV-00132-DLC-JCL

**DEFENDANT FIA CARD
SERVICES, N.A.'S MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

Defendant FIA Card Services, N.A. (also erroneously sued as "Bank of America, LLC") moves, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing Plaintiff Stephanie M. Schroeder's ("Plaintiff") Complaint without leave to amend on the following grounds:

1. Plaintiffs fail to allege the factual elements necessary to support a claim for violation of the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681s-2(a).

2. Plaintiffs fail to allege the factual elements necessary to support a claim for violation of the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681s-2(b).

3. Plaintiffs fail to allege the factual elements necessary to support a claim for violation of the Montana Consumer Protection Act, M.C.A. § 30-14-133.

This Motion is supported by Defendant’s supporting brief and Request for Judicial Notice submitted herewith. Defendant attempted to contact the Plaintiff by e-mail to ascertain whether Plaintiff opposes this Motion. As of 4 p.m. on Wednesday, December 26, 2012, Defendant had not received any response. Defendant does not have a phone number for the Plaintiff. Defendant therefore assumes that Plaintiff does oppose this Motion.

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By /s/ Danielle A. R. Coffman

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